

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

RUBEN WILLS,  Plaintiff  vs.  MICROGENICS CORPORATION, ET AL.,  Defendants	Hon. Brian M. Cogan  CASE 1:20-cv-04432-BMC-VMS  <b>DECLARATION OF CHRISTOPHER R. CARTON IN SUPPORT OF DEFENDANT MICROGENICS CORPORATION’S MOTION TO DISMISS PLAINTIFF’S SECOND AMENDED COMPLAINT</b>
--	---

I, the undersigned, Christopher R. Carton, declare as follows under 28 U.S.C. § 1746:

1. I am an attorney at Bowman and Brooke LLP and am one of the attorneys for Defendant Microgenics Corporation in this case. I am over 18 years of age, am fully competent to make this affidavit, and do so on personal knowledge.

2. Attached as Exhibit 1 is a true and correct copy of DOCCS Directive No. 4937, publicly available at <https://doccs.ny.gov/system/files/documents/2020/11/4937.pdf> (last accessed Feb. 9, 2021).

3. Attached as Exhibit 2 is a compilation of Contract No. CC161458 and all corresponding appendices, some of which were produced by the New York State Department of Corrections and Community Supervision (“DOCCS”) in response to subpoenas issued in the matter of *Steele-Warrick v. Microgenics Corp., et al.*, Civ. No. 1:19-cv-06558-VMS. Slip sheets separating the appendices were added for ease of reference.

4. Attached as Exhibit 3 is a true and correct copy of DOCCS Directive No. 9432, publicly available at <https://doccs.ny.gov/system/files/documents/2020/11/9432.pdf> (last accessed Feb. 9, 2021).

5. Attached as Exhibit 4 is a true and correct copy of DOCCS Directive No. 2115, publicly available at <https://doccs.ny.gov/system/files/documents/2020/10/2115.pdf> (last accessed Feb. 10, 2021).

6. Attached as Exhibit 5 is a true and correct copy of 510(k) Substantial Equivalence Determination Decision Summary, 510(k) Number k110035, publicly available at [http://www.accessdata.fda.gov/cdrh\\_docs/reviews/K110035.pdf](http://www.accessdata.fda.gov/cdrh_docs/reviews/K110035.pdf) (last accessed Feb. 9, 2021).

7. Attached as Exhibit 6 is a true and correct copy of 510(k) Substantial Equivalence Determination Decision Summary, 510(k) Number k163101, publicly available at [http://www.accessdata.fda.gov/cdrh\\_docs/reviews/K163101.pdf](http://www.accessdata.fda.gov/cdrh_docs/reviews/K163101.pdf) (last accessed Feb. 9, 2021).

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 10<sup>th</sup> day of February 2021, at New Brunswick, New Jersey.

s/Christopher R. Carton  
Christopher R. Carton